

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

IN THE MATTER OF THE	)	No. <u>08 MJ 430</u>
EXTRADITION OF	)	
	)	CERTIFICATION OF
	)	EXTRADITABILITY
JAYANT MUKUNDRAY PATEL	)	AND ORDER OF COMMITMENT
	)	(18 U.S.C. § 3184)

The Court has received the Complaint filed on March 10, 2008, by Dwight C. Holton and Ethan D. Knight, Assistant United States Attorneys for the District of Oregon, for and on behalf of the Government of Australia, pursuant to that Government's request for the extradition of Dr. Jayant Mukundray Patel. The Court has also received an affidavit executed by Dr. Patel and witnessed by his attorney, Marc C. Blackman.

On June 26, 2008, Dr. Patel appeared before the Court in open session, accompanied by his attorney, and in the presence of the aforementioned Assistant United States Attorneys. The Court addressed Dr. Patel and is satisfied that he is aware of his rights as set forth in the affidavit of consent to extradition and that the affidavit was executed knowingly and voluntarily.

1 Inasmuch as Dr. Patel has conceded that he is extraditable on  
2 the charges for which extradition was requested, and has consented  
3 to a certification by this Court to that effect, the Court finds on  
4 the basis of the record herein and the representations of Dr. Patel  
5 and counsel that:

6 1. the undersigned judicial officer is authorized under  
7 Title 18, United States Code, Section 3184, to conduct an  
8 extradition hearing;

9 2. the Court has personal jurisdiction over Dr. Patel and  
10 subject matter jurisdiction over the case;

11 3. there is currently in force an extradition treaty between  
12 the Government of the United States and the Government of  
13 Australia, signed at Washington on May 14, 1974 (TIAS 8234, 27  
14 U.S.T 957), and the Protocol Amending the Treaty on Extradition  
15 between the United States of America and Australia, signed at Seoul  
16 on September 4, 1990 (1736 U.N.T.S. 344), (together referred to  
17 herein as "the Treaty");

18 4. Dr. Patel has been charged in Australia with:

19 (A) manslaughter, for the unlawful killing of James Edward  
20 Phillips between May 18, 2003 and May 22, 2003 (in violation  
of sections 300 and 303 of the Queensland Criminal Code);

21 (B) manslaughter, for the unlawful killing of Mervyn John  
22 Morris between April 1, 2003 and June 15, 2003, (in violation  
of sections 300 and 303 of the Queensland Criminal Code);

23 (C) manslaughter, for the unlawful killing of Gerardus  
24 Wilhelmus Gosewinus Kemps between December 18, 2004 and  
December 22, 2004, (in violation of sections 300 and 303 of  
the Queensland Criminal Code);

25 (D) causing grievous bodily harm and negligent acts or  
26 omissions causing harm to Darcy Russel Blight on or about  
27 January 17, 2005 (in violation of Sections 328 and 320 of the  
Queensland Criminal Code); and causing grievous bodily harm  
28 and negligent acts or omissions causing harm to Darcy Russel  
Blight on or about between January 16, 2005 and April 1, 2005

1 (in violation of Sections 328 and 320 of the Queensland  
2 Criminal Code);

3 (E) causing grievous bodily harm to Ian Rodney Vowles between  
4 October 3, 2004 and April 1, 2005 (in violation of section 320  
5 of the Queensland Criminal Code).

6 (F) seven charges of fraud and one charge of attempted fraud  
7 relating to PATEL's efforts to obtain and retain employment at  
8 the Bundaberg Base Hospital in Bundaberg, Australia, allegedly  
9 committed during the period December 19, 2002, and February 2,  
10 2005, (in violation of sections 408C, 4, and 535 of the  
11 Queensland Criminal Code);

12 5. these charges constitute extraditable offenses within the  
13 meaning of Article II of the Treaty;

14 6. the requesting state seeks the extradition of Dr. Patel  
15 for trial for these offenses; and

16 7. Dr. Patel has consented to extradition and the Court has  
17 reviewed that consent and the entire record, and finds that there  
18 is probable cause to believe that he committed the offenses set  
19 forth in paragraph 4 for which extradition is sought.

20 Based on the foregoing findings, the Court concludes that Dr.  
21 Patel is extraditable for the offenses for which extradition was  
22 requested as set forth in paragraph 4 above, and certifies this  
23 finding to the Secretary of State as required under Title 18,  
24 United States Code, Section 3184.

25 IT IS THEREFORE ORDERED that the Clerk of the Court deliver to  
26 the United States Attorney a certified copy of this Certification  
27 of Extraditability and the executed Affidavit of Consent to  
28 Extradition and, further, that the Clerk forward certified copies  
of the same to the Secretary of State (to the attention of the  
Legal Adviser) and the Director, Office of International Affairs,  
Criminal Division, U.S. Department of Justice, in Washington, D.C.,

1 for the appropriate disposition.

2 IT IS FURTHER ORDERED that Dr. Patel be committed to the  
3 custody of the United States Marshal pending final disposition of  
4 this matter by the Secretary of State and arrival of agents of the  
5 requesting state, except that he will be released to the custody of  
6 Pretrial Services officers for transportation to scheduled medical  
7 appointments for his annual physical examination and follow-up with  
8 his cardiologist; and, if this matter has not been finally  
9 concluded by action of the Secretary of State and transfer of Dr.  
10 Patel to agents of the requesting state by July 21, 2008, Pretrial  
11 Services will begin processing Dr. Patel for release on the  
12 following conditions:

- 13 1. Report as directed by the U.S. Pretrial Services  
14 Office;
- 15 2. Dr. Patel shall be monitored by GPS Monitoring and shall  
16 abide by all the requirements for use of the GPS  
17 Monitoring program. Dr. Patel is restricted to his  
18 residence at all times except for the following, all of  
19 which must be scheduled and the schedule approved by the  
20 Court in advance: (1) one religious service per week, on  
21 Sunday; (2) medical visits and treatment; and (3) court  
22 appearances;
- 23 3. No change of place of residence without the prior  
24 approval of the Court;
- 25 4. Travel is limited to routes within Multnomah and  
26 Washington Counties as necessary for the three purposes  
27 listed above. Routes will be approved by Pretrial  
28

Services in consultation with the Court and monitored by GPS;

5. Dr. Patel must surrender his passport to the Clerk of the Court. He is not to apply for or obtain a new passport, nor request travel documents from any government;

6. Dr. Patel is to pay a percentage of all fees for services obtained while under Pretrial Services supervision;

7. Dr. Patel shall return to the custody of the United States Marshal on August 25, 2008, or within 48 hours prior to the departure of the officials of the requesting state on their trip to take custody of Dr. Patel. The United States Attorney for the District of Oregon shall notify the Court and counsel for Dr. Patel of the anticipated departure at least 48 hours before it occurs, consistent with the separately entered Order on Respondent's Renewed Release Motion, filed on June 27, 2008.

Jayant Mukundray Patel will be transferred to the custody of the agents of the requesting state at such time and place as mutually agreed upon by the United States Marshal and the duly authorized representatives of the Government of Australia to be transported to Australia.

IT IS SO ORDERED.

Dated this 27th day of June, 2008.

/s/ Dennis J. Hubel

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Dennis James Hubel  
United States Magistrate Judge  
District of Oregon